

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FRANCIS GRUBA,

Plaintiff,

V.

TOM BLANCHARD and CAROL HOLT, d/b/a COUNCIL OF MOTORSPORTS CLUBS-ROCKY MOUNTAIN REGION, INC., and MICHAEL J. BAURES,

Defendants.

7:03CV5022

ORDER OF DISMISSAL

This matter is before the court on the plaintiff's MOTION TO DISMISS WITH PREJUDICE (#53). Being fully advised in the premises, the court finds that dismissal is appropriate. Pursuant to Fed. R. Civ. P. 41(a)(2),

IT IS ORDERED:

1. The MOTION TO DISMISS WITH PREJUDICE (#53) is granted.
2. This case is dismissed with prejudice as to each and every claim.
3. Each party shall pay its own costs and attorneys' fees unless otherwise agreed by the parties.

DATED December 2, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge